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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,250	06/16/2006	Laurent Degauque	1032326-000401	9078

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EXAMINER

WALSH, DANIEL I

ART UNIT	PAPER NUMBER
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2887

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/583,250	Applicant(s) DEGAUQUE ET AL.	
	Examiner DANIEL WALSH	Art Unit 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-16-06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1 and 13, it is unclear what is meant by “faking re-initialization”.

Claim 3 recites the limitation "reset instructions" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the reset" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the resources" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the resources" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "wherein the other" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the reset instructions" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Objections

2. Claims 1-15 and 21-27 objected to because of the following informalities:

Re claim 1, replace claim 1 with the following:

-- A re-initialization method comprising: sustaining operation of a smart portable object provided with a processor block having at least two communications and/or power supply interfaces that are contact and/or contactless interfaces, wherein the processor block is reinitialized by a first of the two communication and/or power supply interfaces after at least one step for delaying and/or faking re-initialization when a call/communication or an application is already being processed by the processor block though communication with the second of the two communications and/or power supply interfaces.--

Re claims 2, 4, 5, 9, 10, 14, 21-27:

Replace “e.g.” or “for example” with – at least one of the following: --

Re claims 2-12:

Replace “A method” with – The method --

Re claim 6:

Replace “claim 1” with -- claim 4 –

Re claim 9:

Replace “claim 1” with -- claim 8 – and replace “can be” with – are --

Re claim 13:

Art Unit: 2887

Replace "said device wherein it" with – wherein said device –

Replace "block." with – block when the contactless interface is simultaneously operating.--

Re claim 15:

Replace "claim 13" with -- claim 14 –

Re claim 21:

Replace "A transmit terminal" with – The method according to claim 1, wherein the method is performed through use of –

Replace ";wherein said terminal..." with --. —

Re claim 22:

Replace "A terminal" with – The method –

Re claim 23:

Replace "A portable smart object suitable for taking part in implementing the method according to claim 1 wherein said object" with – The method according to claim 1, wherein said smart portable object—

Re claim 24:

Replace "An object" with -- The method—

Re claim 25:

Replace "A transmit terminal" with – The device according to claim 13, wherein the device includes a transmit terminal --.

Replace "....claim 13." with --. —

Art Unit: 2887

Re claim 26: Replace "A portable smart object including a device according to claim 13" with -- The device according to claim 13, wherein the device is a part of a portable smart object--.

Re claim 27:

Replace "A portable smart object suitable for being connected to a terminal according to claim 21" with -- The method of claim 21 --

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 11-14, 17, and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Posch et al. (US 20020013914) in view of Fouque et al. (US 20020151330).

Art Unit: 2887

Re claim 1, Posch et al. teaches a method of operating a smart portable object with a processor block having at least two communication/power supply interfaces that are contactless/contact, including a step of reinitializing the processor block and re-initialization in the event a call/communication/application is being processed by the processor block (abstract and paragraph [0007-0009]).

Posch et al. is silent to delaying/faking the re-initialization.

Fouque et al. teaches a delay before reset (abstract and paragraph [0007+]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Posch et al. with those of Fouque et al.

One would have been motivated to do this in order to have a controlled shut down of the card.

Re claim 2, as a reset is performed, it is interpreted as detecting a transition to reset/interruption, as interpreted as simultaneous/parallel communication.

Re claims 11-12, though silent to standards, the Examiner notes it would have been obvious to use a standard contactless interface for acceptability and compatibility.

Re claim 13, the limitations have been discussed above.

Re claim 14, the Examiner notes that as a reset is performed and there is a delay, a reset transition will be detected/sensed/interruption, the delay circuit being broadly interpreted as the at least one element.

Re claim 17, the Examiner notes that Posch et al. teaches sensors (abstract) interpreted as immediate warning means.

Re claim 20, the sensors are interpreted as detecting contactless communications.

Art Unit: 2887

Re claim 21, the limitations have been discussed above.

Re claim 22, such a terminal has been discussed above, the reading devices.

Re claim 23, the limitations have been discussed above.

Re claim 24, a smartcard has been discussed above.

Re claim 25-27, the limitations have been discussed above.

4. Claims 1, 12, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ookawa et al. (US 6585166).

Re claims 1, Ookawa et al. teaches a dual interface card (contact and contactless interfaces) that delays re-initialization in the event that a call/communication/application is being processed by the processor block (abstract, which teaches that communication is cut off with simultaneous communication through both interfaces, which inherently delays re-initialization. Though silent to a processor block, the Examiner notes a processor block is obvious in order to process the data electronically, as known in the art.

Re claim 2, a reset is detected since the communication is shut down.

Re claims 11-12, though silent to standards, the Examiner notes it would have been obvious to use a standard contactless interface for acceptability and compatibility.

5. Claims 1, 2, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawagishi (US 6411200).

Re claim 1, Kawagishi teaches a card with both interfaces where switching is performed for the interfaces, which is interpreted as a delay in reinitializing (col 4, lines 1+). Though silent to a processor block, it would have been obvious to have a processor in order to process the data, as is conventional in the art. Re claims 2 and 11-12 the limitations have been addressed above.

Art Unit: 2887

6. Claims 1, 12, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Posch et al., as discussed above.

The limitations of Posch et al. have been discussed above.

Though silent to delaying, the Examiner notes that as the communication is stopped, this is broadly interpreted as delaying.

Additional Remarks

7. The Examiner notes he has made suggestions to the claims to clarify the limitations/invention in an attempt to expedite prosecution.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO 892, including Tsunoda et al. which teaches dual mode cards with switching, Kim et al. teaches mixed mode simultaneous operation).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409.

The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2887

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/
Primary Examiner, Art Unit 2887